

Regular Session, 2010

HOUSE BILL NO. 1301

BY REPRESENTATIVE PEARSON

AN ACT

To amend and reenact R.S. 44:19, relative to records in the custody of a coroner; to exempt certain medical records in the custody of a coroner from public records provisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:19 is hereby amended and reenacted to read as follows:

§19. ~~Autopsy~~ Records of a coroner; autopsy photographs, video, and other visual images

A.(1) Notwithstanding any provision of this Chapter to the contrary, any medical record or personal medical history of a deceased person in the custody of a coroner shall be confidential and shall not be subject to examination, inspection, or copying pursuant to R.S. 44:31, 32, or 33.

(2) For purposes of this Subsection, the phrase "medical record or personal medical history of a deceased person" shall mean information regarding the physical, mental, or behavioral health or condition of a deceased person prior to death.

(3) The provisions of Paragraph (1) of this Subsection shall not apply to a death certificate, final report of a coroner, or autopsy report.

~~A.~~ B. Notwithstanding any other provision of law to the contrary, photographs, video, or other visual images, in whatever form, of or relating to an autopsy conducted under the authority of the office of the coroner shall be confidential, are deemed not to be public records, and shall not be released by the office of the coroner or any officer, employee, or agent thereof except as otherwise provided in this Section.

1 ~~B.C.~~ Nothing in this Section shall prevent the release of information in the
2 custody of a coroner, including autopsy photographs, video, or other visual images,
3 in whatever form, of or relating to an autopsy conducted under the authority of the
4 office of the coroner as follows:

5 (1) To a family member of the deceased or his designee;~~;~~

6 (2) To the succession representative of the deceased's estate or his designee;~~;~~

7 (3) To a law enforcement agency, for official use only;~~or.~~

8 (4) To a qualified dentist, forensic anthropologist, or forensic pathologist as
9 necessary to establish the identity of the deceased.

10 (5) As directed by a court order or subpoena.

11 ~~C.~~ D. Nothing in this Section shall prevent the inspection of photographs,
12 video, or other visual images, in whatever form, of or relating to an autopsy.

13 Section 2. This Act shall become effective upon signature by the governor or, if not
14 signed by the governor, upon expiration of the time for bills to become law without signature
15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
17 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____